

EXHIBIT

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Judith Summerlin

From: David Riggs
Sent: Friday, October 06, 2006 2:01 PM
To: 'Theresa Hill'; 'Nicole Longwell'
Cc: 'Bruce Freeman'; 'Bruce Jones'; 'Chris Paul'; 'Colin Tucker'; 'David Senger'; 'Delmar Ehrich'; 'Gary V. Weeks'; 'George Owens'; 'James Graves'; 'Jay Jorgensen'; 'Jennifer Griffin'; 'John Elrod'; 'John Tucker'; 'Lawrence Zeringue'; 'Mark Hopson'; 'Michael Bond'; 'Michelle Bryce'; 'Patrick Ryan'; 'Paula Buchwald'; 'Philip Hixon'; 'Randall Rose'; 'Raymond Lay'; 'Richard Funk'; 'Robert George'; 'Robert Redemann'; 'Robert Sanders'; 'Scott McDaniel'; 'Sherry P. Bartley'; 'Stephen Jantzen'; 'Steve Williams'; 'Terry West'; 'Thomas Green'; 'Thomas Grever'; 'Timothy Webster'; 'Vicki Bronson'

Dear Counsel:

I am writing you in connection with the requests for production of documents which you have filed on behalf of your respective clients. Together, these six sets of requests total almost 240 requests, some with several discrete subparts.

Upon review of all of these requests, counsel for the State have determined the best way to provide you and your clients responsive documents is to schedule onsite inspections, starting with the four agencies from which Peterson has requested documents. We would produce these documents as they are kept in the usual course of business. It may prove that onsite document productions will be needed at other agencies as well. In certain discrete instances, we believe we can organize some responsive documents to correspond with the categories of some requests.

In addition to producing documents responsive to your clients' requests for production, we further intend to make available at each agency the non-privileged documents contained in categories listed in the State's Rule 26(a) disclosures. This will thus provide the Poultry Integrator Defendants the opportunity to inspect and mark for copying a very wide array of relevant documents at a single time.

Given the resources required and the disruption to the agency to respond to your comprehensive requests and to produce the Rule 26(a) documents in such on site inspections, we intend to do only one such inspection per agency, which admittedly might require more than one day. All of the Poultry Integrator Defendants will be invited to attend and examine these documents in a single production to provide all Poultry Integrator Defendants with access and to ensure the agencies' functions are disrupted no more than necessary. We encourage the defendants collectively to provide a team to review documents at each affected agency. We can make arrangements for onsite copying and Bates numbering of documents the Defendants select for copying.

Given the breadth of your collective requests, we believe the schedule of responses and production as it presently exists is impractical and unreasonable. In particular, Peterson's schedule of productions and depositions of document custodians simply cannot be met given the number of requests we must collectively respond to and given the number of documents that are potentially responsive to those requests.

We hope to discuss a more realistic schedule with you during our conferences already scheduled next week to discuss the State's requests for production directed to your respective clients. In order for us to get these on site inspections under way, we hope that the due date for written responses and objections to the presently outstanding requests for production (currently October 18 for the Peterson requests and October 22 for the Cargill and Cargill Turkey requests) may be pushed back somewhat. Given our inability to come to an agreement on the production of electronic data, production of electronic data will be postponed until we either have an agreement of the parties or appropriate direction from the Court. Also, given the breadth of your

requests, we ask you to agree that additions to the State's privilege logs, if any, be prepared as of the date of the on site inspection rather than as of the date of the State's written responses.

By a copy of this letter to counsel for the other Poultry Integrator Defendants, I am notifying them that the State will be scheduling these on site document productions. We encourage the defendants to confer among themselves in order to efficiently staff these document productions to meet everyone's needs in the most efficient and economical manner.

We look forward to conferring with you and establishing a reasonable schedule to conclude this discovery on a schedule which meets the needs of all parties.

Sincerely,

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